

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEBRASKA

IN THE MATTER OF:) CASE NO. BK06-80101
DOLORES LOUISE WIEKHORST,)
Debtor(s).) CH. 11
) Filing No. 25, 41

ORDER

Trial was held in Omaha, Nebraska, on May 16, 2006, regarding Filing No. 25, Motion for Relief from Stay, filed by Enterprise Bank, N.A., and Filing No. 41, Objection, filed by the debtor. Howard Duncan appeared for Dolores Wiekhorst and Paul Hoffman, Andrew Muller and Steve Turner appeared for Enterprise Bank, N.A.

Enterprise Bank has filed a motion for relief from the automatic stay. It has a first lien on residential and commercial real property owned by the debtor. The value of that land is approximately \$298,000. The debt secured by that land is approximately \$278,000. Therefore, without considering judgment liens or construction liens which are behind the liens of Enterprise Bank and which may or may not be validly asserted against the real property of the debtor, there is an equity cushion of approximately \$20,000.

In addition, the debtor has agreed to pay, as adequate protection, the \$1,000 per month she is supposed to receive from the lessee in the commercial property. She has not received that amount recently because the lessee is in a Chapter 11 bankruptcy case and has not been authorized to make the payments. By separate order entered in that case, the lessee has been authorized to make the payments.

With regard to that portion of the motion for relief which suggests that the debtor is unable to propose a confirmable reorganization plan within a reasonable amount of time, it is clear that this debtor's ability to reorganize her financial affairs is dependent upon the ability of her wholly owned corporation, WBE Company, Inc., to obtain a confirmable plan. The commercial property which the debtor owns and is leased to WBE Company, Inc., is necessary for the reorganization of that entity, and therefore is necessary for the reorganization of the debtor.

Therefore, at this juncture in this case and in the WBE Company, Inc., case, BK06-80006, the motion for relief is denied. If WBE Company, Inc. is unable to confirm a plan within a reasonably short period of time, this motion may be reconsidered.

SO ORDERED.

DATED this 1st day of June 2006.

BY THE COURT:

/s/ Timothy J. Mahoney
Chief Judge

Notice given by the Court to:

Howard Duncan
Paul Hoffman
*Andrew Muller
Steve Hoffman
U.S. Trustee

Movant(*) is responsible for giving notice of this order to all other parties not listed above if required by rule or statute.